

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 859 w/CS Highway Safety/DUI Fines
SPONSOR(S): Robaina
TIED BILLS: HB 1737 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	8 Y, 0 N	Garner	Miller
2) Transportation	19 Y, 0 N w/CS	Garner	Miller
3) Public Safety & Crime Prevention			
4) Finance & Tax			
5) Appropriations			

SUMMARY ANALYSIS

HB 859 w/CS imposes a \$10 delinquency charge on persons who fail to renew or extend an expired license within 60 days of expiration. The amendment provides that \$9 of the charge is deposited into the State Law Enforcement Officer Recruitment and Retention Trust Fund. This trust fund does not currently exist, but is created in HB 1737.

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates that the delinquency charge will result in deposits to the State Law Enforcement Officer Recruitment and Retention Trust Fund of approximately \$2.4 million for FY 2003-04, \$2.9 million for FY 2004-05, and \$3.2 million for FY 2005-06.

In addition, HB 859 w/CS provides an annual 2.5 percent pay increase for Career Service law enforcement officers who have, within the previous 12 months:

- Completed a minimum of forty hours of job-related continuing education, including in-service education, or a minimum of three credit hours of college course work;
- Completed a minimum of sixteen hours in an agency-recognized mentoring program; and
- Received a satisfactory performance evaluation.

The fiscal impact of the 2.5 percent raise is indeterminate because the number of officers qualifying for the increase is unknown.

This bill is effective July 1, 2003.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0859b.tr.doc
DATE: April 10, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Reduce Government?

HB 859 increases revenues available to state government by increasing a driver's license delinquent charge. These revenues will benefit state law enforcement officers.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The fee for the renewal or extension of a driver's license is \$15. A delinquent fee of \$1 is added for a renewal or extension that is not made within 12 months of expiration. The fee and delinquent fee are paid into the General Revenue Fund.

Effect of Proposed Changes

HB 859 w/CS imposes a \$10 delinquency charge on persons who fail to renew or extend an expired license within 60 days of expiration. The amendment provides that \$9 of the charge is deposited into the State Law Enforcement Officer Recruitment and Retention Trust Fund. This trust fund does not currently exist, but is created in HB 1737. The remaining \$1 is paid into the General Revenue Fund.

The funds deposited into the Trust Fund must be credited to the salaries and benefit category of the state agencies with eligible sworn agency law enforcement officers on a pro rata, per capita basis pursuant to the ratified collective bargaining agreement for the state law enforcement bargaining unit then in effect. If no such ratified bargaining agreement is then in effect, the amounts shall be distributed on the basis of the ratified bargaining agreement last in effect. The amounts collected and distributed pursuant to this paragraph are supplemental to other funds provided for salary increases.

In addition, HB 859 w/CS provides an annual 2.5 percent pay increase for Career Service law enforcement officers who have, within the previous 12 months:

- Completed a minimum of forty hours of job-related continuing education, including in-service education, or a minimum of three credit hours of college course work;
- Completed a minimum of sixteen hours in an agency-recognized mentoring program; and
- Received a satisfactory performance evaluation.

The bill provides for an appropriation of funds from General Revenue "sufficient to fund [the] act."

C. SECTION DIRECTORY:

Section 1. Amends s. 322.21, F.S., to provide for a delinquency charge of \$10 for failure to renew or extend a driver's license within 60 days of expiration, and to provide for distribution of a portion of the

charge into the State Law Enforcement Recruitment & Retention Trust Fund to be credited to the salaries and benefits category of state agencies with sworn law enforcement officers.

Section 2. Provides for a 2.5 percent pay increase for certain state law enforcement officers, and an unspecified appropriation to fund said increase.

Section 3. Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
1. Revenues:			
SLER&R TF			
Delinquent fees (from \$1 to \$10)	\$ 2,454,200	\$ 2,905,870	\$ 3,212,575

2. Expenditures:

HB 859 w/CS requires the state to appropriate sufficient funds to pay for a 2.5 percent annual salary increase for state law enforcement officers who meet certain service and training criteria in addition to any salary increase provided for state law enforcement officers generally in the General Appropriations Act. Because the number of officers qualified for the additional salary increase is unknown, the expenditure required is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

The above revenue estimates are provided by DHSMV.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 859 w/CS does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Highway Safety Subcommittee

On April 2, 2003, the Highway Safety Subcommittee recommended one strike-all amendment that substantially changed the bill, and reported the bill favorably as amended. The amendment deleted all increases in fines and court costs and replaced them with a \$10 delinquency charge for persons who fail to renew or extend an expired license within 60 days of expiration. The amendment provides that \$9 of the fee is deposited into the State Law Enforcement Officer Recruitment and Retention Trust Fund. This trust fund does not currently exist. At the same meeting, the subcommittee reported the tied bill which creates this trust fund, HB 1737, favorably.

DHSMV estimates that the delinquency charge will result deposits to the State Law Enforcement Officer Recruitment and Retention Trust Fund of approximately \$2.4 million for FY 2003-04, \$2.9 million for FY 2004-05, and \$3.2 million for FY 2005-06.

Committee on Transportation

On April 9, 2003, the Committee on Transportation amended the strike-all amendment recommended by the Highway Safety Subcommittee and adopted the amendment as amended. The Committee then reported the bill favorably as amended with a committee substitute. The strike-all amendment, as amended, accomplishes the same effect as described above. In addition, it provides for an annual 2.5 percent pay increase for state law enforcement officers who have, within the last 12 months:

- Completed a minimum of forty hours of job-related continuing education, including in-service education, or a minimum of three credit hours of college course work;
- Completed a minimum of sixteen hours in an agency-recognized mentoring program; and
- Received a satisfactory performance evaluation.

The pay increase is in addition to any increase that may otherwise be provided for state law enforcement officers in the General Appropriations Act. In addition, the amendment provides for an unspecified appropriation sufficient to fund this act.